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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,637	09/16/2003	Kiyoshi Ueyoko	DN2003152	1926

27280 7590 10/17/2005

THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,637

Applicant(s)

UEYOKO ET AL

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>091603, 041604</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a method of forming a composite belt structure, classified in class 156, subclass 117.
 - II. Claims 7-18, drawn to a pneumatic tire having a composite belt structure, classified in class 152, subclass 531.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as one in which the belt structure is formed on something other than a rotating crowned building drum (cylindrical drum, conveyor, etc.).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with June Rickey on July 6, 2005 a provisional election was made with traverse to prosecute the invention of Group II, claims 7-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because it is more than 150 words in length.

Correction is required. See MPEP § 608.01(b).

Double Patenting

8. Applicant is advised that should claims 8, 10, and/or 11 be found allowable, claims 14, 16, and/or 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

9. Claims 9 and 15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Any overlap of adjacent strips is necessarily in the recited range of from greater than 0% to 100%, therefore claims 9 and 15 do not further limit claims 7 and 13.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent

Application Publication 2004/0163748 A1.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

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See the embodiment of Figures 1-4, specification paragraphs 0046-: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip).

12. Claims 7, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueyoko et al. (6,116,311).

See the embodiment of Figures 1-3, col. 2 line 27 - col. 4 line 18: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip).

13. Claims 13, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 2002-211208 A.

See the embodiment of Figures 1-4, abstracts, translation paragraphs 0006-0020: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip).

14. Claims 7-18 are rejected under 35 U.S.C. 102(b) as being anticipated by de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966).

See col. 1 line 6 - col. 2 line 29: reference refers to Oswald for description of small cord angle of zigzag belt plies, which Oswald discloses as preferably about 21 degrees (col. 7 lines 19-27); the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966), and in view of Ueyoko et al. (6,116,311).

See paragraph 14 above: conventional cord angles for such zigzag plies fall within the claimed range, as evidenced by Ueyoko et al. (col. 2 line 27 - col. 4 line 18) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional cord angles in the zigzag plies of the above tire.

18. Claims 8, 10, 11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyoko et al. (6,116,311) in view of de Loze de Plaisance et al. (6,125,900) cited by applicant.

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See paragraph 12 above: aircraft tires conventionally have at least two zigzag plies both above and below the spirally wound ply or plies for further reinforcement, as evidenced by de Loze de Plaisance et al. (col. 1 line 6 - col. 2 line 29) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional further reinforcement in the above tire.

19. Claims 7-12, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 2002-211208 A in view of de Loze de Plaisance et al. (6,125,900) cited by applicant.

See paragraph 13 above: aircraft tires conventionally have at least two zigzag plies both above and below the spirally wound ply or plies for further reinforcement, as evidenced by de Loze de Plaisance et al. (col. 1 line 6 - col. 2 line 29) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional further reinforcement in the above tire.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

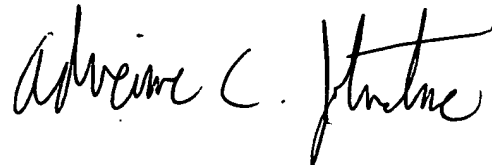
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone
Primary Examiner
Art Unit 1733

Adrienne Johnstone

October 12, 2005

A handwritten signature in black ink, appearing to read "Adrienne C. Johnstone", written in a cursive style.